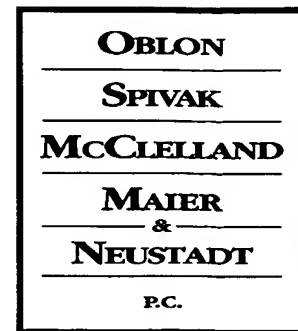




Docket No.: 245469US2DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 10/716,556
Applicants: Tadashi IGUCHI, et al.
Filing Date: November 20, 2003
For: NONVOLATILE SEMICONDUCTOR MEMORY
DEVICE AND ITS MANUFACTURING METHOD
Group Art Unit: 2813
Examiner: Chen, J.S.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO ELECTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599

Customer Number

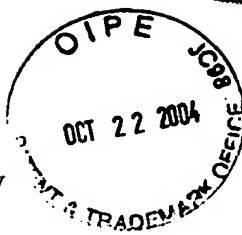
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DOCKET NO: 245469US2DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
TADASHI IGUCHI, ET AL. : EXAMINER: CHEN, J.S.J.
SERIAL NO.: 10/716,556 :
FILED: NOVEMBER 20, 2003 : GROUP ART UNIT: 2813
FOR: NONVOLATILE :
SEMICONDUCTOR MEMORY DEVICE
AND ITS MANUFACTURING METHOD

RESPONSE TO ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election requirement of September 29, 2004, applicants elect, with traverse, the invention of Species I (Figures 1-8B). Claims 5-11 are readable on the elected species.

Applicants traverse the outstanding election requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a election is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding election requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

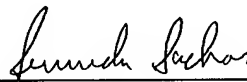
M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding election requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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